

REPORT - PLANNING COMMISSION MEETING
February 24, 2005

Project Name and Number: **Restricted Industrial (I-R) & General Industrial (G-I) Zoning District Modifications (PLN2004-00156 & PLN2004-00157)**

Applicant: City of Fremont

Proposal: To consider a Zoning Text Amendment (ZTA) to the Restricted Industrial District (I-R) and General Industrial District (G-I) to regulate specific assembly type land uses; to define Assembly Use and Sensitive Populations and to modify the Miscellaneous Uses Section of the Code as it relates to Religious Facilities; and to amend the High Intensity Hazardous Materials Users.

Recommended Action: Recommend to City Council.

Location: Citywide

Area: Citywide

Owner: Not applicable

Agent of Applicant: Not applicable

Consultant(s): Not applicable

Environmental Review: This project is exempt from CEQA review per Section 15061(b) (3), because the zoning district modifications have no potential for causing a significant effect on the environment.

Existing General Plan: Restricted Industrial & General Industrial Designations.

Existing Zoning: Restricted Industrial (I-R) & General Industrial (G-I) Districts.

Existing Land Use: Primarily industrial uses

Public Hearing Notice: Public hearing notification is applicable. Because the Zoning Text Amendment is Citywide, a notice of public hearing display advertisement was delivered to *The Argus* on February 7, 2005, to be published February 10, 2005.

In addition, nine (9) public meeting notices were mailed as a courtesy to interested parties.

Executive Summary: To protect Fremont's Restricted Industrial (I-R) and General Industrial (G-I) districts for research and development activities and heavier industrial uses respectively, and to increase public safety, a moratorium was adopted in November 2003 to prohibit assembly uses in the I-R and G-I zoning districts. In October 2004, the moratorium was extended for an additional five (5) months to allow staff time to complete the proposed amendments. The current moratorium within the Restricted Industrial (I-R) and General Industrial (G-I) districts applies to assembly and other uses, which bring sensitive and large populations into both districts, except for parcels located generally within 500 feet of the centerline of Automall Parkway east of I-880. The moratorium was established to allow staff time to review and research various uses currently allowed in the I-R and G-I districts to determine if any allowed uses should be deleted and/or modified given the awareness of hazardous materials associated with the industrial uses in both districts.

A Zoning Text Amendment is currently proposed which prohibits assembly-type land uses within the G-I district and which changes the level of approval for various assembly-type land uses within the I-R district. This Zoning Text Amendment

was prepared as a consequence of a one and one-half year long evaluation period. The proposal before the Planning Commission is to recommend a Zoning Text Amendment (ZTA) to amend applicable sections of Title VIII [Planning and Zoning], Chapter 2 [Zoning] of the Fremont Municipal Code, to the City Council that will modify land uses in both the I-R and G-I districts, add specific definitions and modify the Miscellaneous Uses Section of the Code as it relates to Religious Facilities.

Background and Previous Actions: Due to the recent economic climate, there continue to be many vacancies in the City's industrial districts. Because of the available space and lower rents, property owners and tenant applicants have been approaching the City with proposals for non-industrial uses within the industrial districts, such as children's amusement services, religious and other facilities (with child care), and banquet facilities. In the past, these non-industrial users found locations in Fremont's commercial districts. However, as noted above, businesses and organizations are attracted to industrial areas due to the available space and lower rents.

As noted, there was concern about the potential incompatibility between traditional industrial uses and patrons of non-industrial uses. This stems from the City's interest in maintaining a safe environment for these patrons and preserving the viability of the City's industrial districts. If too many non-industrial uses with "sensitive populations" locate in the industrial districts staff believes this may hamper the future growth of high-tech, biotech, and other traditional industrial uses. For example, when traditional industrial uses seek to locate in the City, they must prepare and submit to the Fire Department's Hazardous Materials Program either a Risk Management Plan (RMP) or Hazardous Materials Business Plan (HMBP) outlining the hazardous materials being used on site, safety controls, and other applicable information. If the RMP or HMBP discloses potential impacts to sensitive populations in the event of a hazardous materials release, such traditional industrial uses may face significant costs to meet higher building safety standards, insurance premiums increases, disclosure requirements, inventory limitations, and other long-term costs.

Furthermore, even though traditional industrial uses meet Federal and State safety requirements, recent incidents involving the accidental release of hazardous materials from industrial uses have required evacuations, street closures and persons to be "sheltered-in-place". Because most industrial uses usually have employees who are adults and work in a structured environment, they can be trained to follow emergency procedures and respond successfully during emergencies. On the other hand, uses such as children's amusement services and facilities that bring young children, older persons, and a more general population of visitors into the industrial areas. These sensitive populations are less likely to understand the risks of being in an industrial area. Further, because they are generally not employees they are much less likely to know how to correctly respond in the case of an evacuation or requirement to "shelter-in-place".

There was also concern with the potential impacts from such uses and it was recommended that the Council adopt an interim moratorium on assembly type uses while staff researched and analyzed this land use issue. On October 7, 2003 the City Council approved a moratorium ordinance (Ordinance 2515) on selected assembly and other uses which attract large and sensitive populations into the I-R and G-I districts. As provided by State law, the moratorium (Ordinance 2515) was only effective for forty-five (45) days. Therefore, on November 4, 2004, the City Council extended for one year the moratorium in the I-R and G-I districts. During the initial forty-five (45) day review period, staff determined that the moratorium on assembly uses did not need to apply to the entire G-I district, therefore, a "pocket" generally located within 500 feet of the centerline of Automall Parkway east of I-880 was created where assembly uses could locate. On October 26, 2004, the City Council extended the moratorium in the I-R and G-I districts by an additional five (5) months, ending April 4, 2005.

Other Bay Area jurisdictions have faced similar challenges due to the change in the economic climate and high vacancy rate in the industrial areas. The Silicon Valley Manufacturing Association has issued a Position Paper on this particular issue of preserving industrially zoned areas for manufacturing and R&D uses. (See Informational.) The City of Newark also adopted a moratorium on assembly uses in its industrial districts, as have other Bay Area cities.

A High Intensity Hazardous Materials Uses Ordinance (Ordinance 2518) was also adopted by the City Council on October 7, 2003. The Ordinance, which has been codified, regulates the type and amount of hazardous materials that an industrial facility may use depending on the industrial district in which the user is located. The existing Ordinance requires industrial users to obtain a Condition Use Permit (CUP) or Zoning Administrator Permit (ZAP) depending on the type and volume of hazardous materials being used. The intent of the Ordinance is to encourage high intensity hazardous material

users to locate in the General Industrial (G-I) district, and alternatively in the Restricted Industrial (I-R) district. The Ordinance has assisted businesses in understanding where they can locate in the industrial area, and what potential discretionary permits they may need to obtain.

Project Description & Analysis: The proposal is to modify the Fremont Municipal Code to regulate certain assembly-type land uses by changing them from “permitted uses” to “conditional uses” or “zoning administrator uses”, as well as prohibiting many assembly-type uses within the General Industrial (G-I) district. The ZTA also proposes two (2) new land use definitions (*Assembly Uses* and *Sensitive Populations*). The proposed ZTA also proposes a minor change to the existing High Intensity Hazardous Materials Uses Ordinance by inserting a Very Small Storage or Use category to the Type of Facilities chart. Finally, the ZTA proposes to remove some existing limitations/restrictions on the development of religious facilities in industrial areas. The proposed zoning text changes are shown in Exhibits “A”, “B” and “C” and are listed based on the order they appear within the Fremont Municipal Code. The following is a section-by-section review of the ordinance proposed for revision.

Exhibit “A” Definitions, High Intensity Hazardous Materials Users and Religious Facilities Industrial Areas

- Definition (Section 1): Staff is proposing to add two new definitions, namely, Assembly Use and Sensitive Populations. With the inclusion of these definitions in the Fremont Municipal Code, staff is hopeful that owners/applicants will have a clear understanding as to those uses which the City is concerned with locating in the industrial area.
- High Intensity Hazardous Materials Users (Section 2): It is recommended that a minor modification be made to the High Intensity Hazardous Materials Users section of the Code by inserting a Very Small Storage or Use to the table of permitted hazardous materials within the Restricted Industrial (I-R) and General Industrial (G-I) districts. The ZTA would also insert a definition of “Very Small Storage or Use” to the current list of Type of Hazardous Facilities permitted within the I-R and G-I districts.
- Religious Facilities in Industrial Areas (Section 3): Under current City regulations should a religious institution want to develop a new facility on an undeveloped parcel of land, the parcel is required to be a minimum of 8 acres in size. However, if a religious facility wants to locate in an existing industrial building the FMC states that the building must have been constructed prior to January 1, 1992. It is staff’s understanding that these provisions were established to limit the number of religious facilities locating within the City’s industrial areas. Staff is now of the opinion that these provisions should be deleted from the FMC, since staff is recommending that religious facilities be deleted from the G-I district.

Exhibit “B” Restricted Industrial (I-R) District

- Restricted Industrial District – Purpose (Section 1): Staff recommends that the purpose be amended to add the following sentence...“Within this district certain Group A, B, and C hazardous materials users, manufacturing, and/or the storage of particularly large sizes/quantities of hazardous materials (Section 8-22143.3 High intensity hazardous materials users), are regulated to minimize potential for off-site impacts.” This language will highlight, in the purpose section, that the use of certain hazardous materials will be regulated within the I-R district.
- Permitted uses (Section 2): In the “Permitted uses” section of the I-R district, staff proposes to move certain uses to the Zoning Administrator Permit (ZAP) category due to the concern regarding the potential use of hazardous materials. Staff is proposing to move the following uses to the ZAP category: Bottled and canned soft drinks and carbonated water; Manufacturing industries not elsewhere classified, excluding book matches, candles and pelts; Printing, publishing and allied industries; Semiconductor manufacturing machinery; Landscape contractor; Medical and dental laboratories; Photofinishing laboratories; Refrigerated warehousing; Chemicals and allied products; and Paint, varnish and supplies.
- Accessory uses Section 3: Within the “Accessory uses” section of the I-R district staff is proposing to delete “child care facilities” which service employees, when conducted within an integral part of the main building and allow

this use as a ZAP. Moving this use to a ZAP it will afford the opportunity to ensure that the facility is only providing child care to employees of the main business where parents / adults remain on-site.

- Uses specifically prohibited (Section 4): It is recommended that "Child care services, except as provided in Sec. 8-21503(e)" and "Amusement, recreational and educational services which serve sensitive populations" be added to the list of prohibited land uses within the I-R district. This recommendation is being made based upon proposal to prohibit land uses within the I-R district which primarily serve sensitive populations and the concern with the incompatibility of these land uses with traditional industrial uses. Therefore, a new stand alone child care facility and any amusement, recreational or educational service which serves children under the age of 18, persons with disabilities and adults over the age of 65 would be prohibited within the I-R district.
- Zoning Administrator uses (Section 5): As indicated earlier in this report, all of the uses proposed to be moved from the "Permitted uses" section of the I-R district are recommended to be listed as Zoning Administrator Uses. The uses proposed to be added to the list of Zoning Administrator Uses includes: Bottled and canned soft drinks and carbonated water; Manufacturing industries not elsewhere classified, excluding book matches, candles and pelts; Printing, publishing and allied industries; Semiconductor manufacturing machinery; Landscape contractor; Medical and dental laboratories; Photofinishing laboratories for the trade; Refrigerated warehousing; Chemicals and allied products; Paint, varnish and supplies; Offices of physicians and dentists. Placing these land uses within the Zoning Administrators Uses category will allow staff the opportunity to further review and analyze each use to ensure that the hazardous materials being used are appropriate for the site/area proposed. At the time of application staff will require the applicant to answer questions such as: a) Does your business or process use or store any hazardous materials? b) What are the names or types of those materials? c) How are they classified? (e.g. flammable, toxic, reactive) d) Are they solids, liquids, or gases? e) How much of each do you anticipate needing/requiring? Staff believes that by requiring hazardous material users to submit such an application for review and approval, that it will reduce the potential for land use conflict between hazardous material users and assembly-type occupancies.

The ZTA also proposes to move certain uses to the Conditional Use Permit category of the land uses due to the assembly-type occupancy of the use. Staff is proposing to move the following uses to the CUP category: Amusement and recreational services, except for dance clubs and discotheques; Motels and hotels limited service; and Health clubs and spas. Staff is also proposing to delete the following uses from the ZAP category: Concert hall with less one hundred seats and closed before midnight; Performing arts theater with less than one hundred seats and closed before midnight; and Dinner theater with less than one hundred seats and closed before midnight. The uses that are proposed to be deleted will be allowed under the CUP category, as staff is proposing to remove the number of seats and time requirement.

- Conditional Uses (Section 6): As noted above it is recommended that Health clubs and spas and motels and hotels with limited service be moved from a ZAP to a CUP. Due to the nature of the occupants of these land uses, staff feels that a more thorough review would be completed if these uses were under the Conditional uses category.
- Zoning Administrator permitted uses requiring location in structure with minimum area of five thousand square feet (Section 7): In this Zoning Administrator Permitted Uses section of the I-R district staff is proposing to delete "Child day care services (i.e., nonresidential facilities only)" as a permitted use. This land use is being deleted as staff is of the opinion that a child day care facility is not compatible with traditional industrial land uses.
- Application for Assembly Type Uses (Section 8): Staff is proposing to insert some specific requirements which applicants proposing to operate an "Assembly use", would be required to complete and submit with their application. The purpose of the following provisions is to allow staff to complete a thorough analysis of the intended use and also to allow adjacent landowners and tenants to be aware of the proposed assembly use.
 1. The applicant shall provide a written description of the proposed operation of the use, including but not limited to, the total number of occupants anticipated; a statement as to whether or not any "sensitive populations" will be involved in any activities; the type of activities proposed both as a main use or as an

accessory use.

2. The applicant shall submit written verification to the City, obtained through consultation with the City of Fremont Fire Department Hazardous Materials Division that at the time of application submittal, there are no incompatible hazardous occupancies (uses) located on, or immediately adjacent to, the subject site. If after consulting with the Hazardous Materials Division it is determined that the proposed location is on or immediately adjacent to an existing hazardous materials facility in excess of Range 1, with Group A chemicals, or in excess of Range 3 with Group B or C chemicals as outlined in Sec. 8-22143.3 High Intensity Hazardous materials use, then the applicant shall complete a thorough technical evaluation to determine if there are engineering or administrative controls are available to mitigate the impacts of a hazardous materials release.
3. The applicant shall acknowledge that the City shall notify property owners and tenants within 1000 feet of the subject site of the application within 30 days of receiving a complete application, in order to obtain initial input on the proposal.
4. When an assembly use is located, or proposed to be located, in a multi-tenant building, an agreement that adequately provides for limitation of any subsequent hazardous material users on the same site shall be executed and recorded between the property owner, applicant and the city.
5. The applicant shall acknowledge through a written statement that they are locating within the industrial area and that higher levels of noise, traffic and exposure to hazardous materials can occur.

Exhibit "C" General Industrial (G-I) District

- General Industrial District – Purpose (Section 1): Staff recommends that the purpose be amended to add the following ..."Impacts associated with noise, odor, heavy traffic, and hazards associated with certain hazardous materials may occur within the General Industrial Districts." This language will highlight, in the purpose section, the uses within the General Industrial (G-I) district may have impacts relating to noise, traffic and hazardous materials.
- Accessory uses (Section 3): Within the "Accessory uses" section of the G-I district staff is proposing to delete "child care facilities" which service employees, when conducted within an integral part of the main building and allow this use as a ZAP. By moving this land use to a ZAP it will afford staff the opportunity to ensure that the facility is only providing child care to on-site employees of the main business and not to the general population.
- Uses specifically prohibited (Section 4): It is recommended that "Child care services, except as provided in Sec. 8-21604(d)", "Amusement, recreational and educational services which serve sensitive populations" and "Assembly uses" with sensitive populations be added to the list of prohibited land uses in the within the G-I district. This recommendation is being made based upon the incompatibility of assembly uses with sensitive populations and industrial uses within the G-I district. Therefore, a stand alone child care facility and any amusement, recreational or educational service which serves children under the age of 18, persons with mobility disabilities and adults over the age of 65 would be prohibited from establishing within the G-I district.
- Conditional uses (Section 5): Staff is recommending that the following land uses be deleted from the "Conditional use" category of the G-I district: "Amusement or video game arcade; Banquet halls located on arterial street; Concert halls with one hundred seats or more and/or open after midnight; Dinner theaters with one hundred seats or more and/or open after midnight; Exhibition or conference halls located on arterial street; Game or computing arcades; Religious facilities; Residency shelters permanent; Performing arts theaters with one hundred seats or more and/or open after midnight; and skating rinks open after midnight." As noted previously in the report, it is within the G-I district where industrial uses with significant environmental impacts (e.g. noise, dust, traffic, etc) and users/producers of hazardous materials can locate and are directed to locate. Staff is concerned about the incompatibility between the industrial users who locate in the G-I district and the patrons of the assembly and non-assembly uses, and the potential impacts they could have on the future development/redevelopment of the G-I

district. If too many non-industrial users locate in the G-I district, staff believes it could hamper the future growth of the industrial area. For example, when industrial users seek to locate in the City, they must prepare and submit to the Fire Department's Hazardous Materials program either a Risk management Plan (RMP) or Hazardous materials Business Plan (HMBP) outlining the hazardous materials being used on site, safety controls, and other applicable information. If the RMP or HMBP disclose potential impacts to sensitive populations in the event of a hazardous materials release, such traditional industrial user may face significant cost to meet higher building safety standards, increased insurance premiums, disclosure requirements, inventory limitations, and other long term costs. Therefore, in order to preserve the G-I district for what it's planned functions is, staff is recommending that the above noted assembly type land uses be removed from the district.

- **Zoning administrator permitted uses (Section 6):** As note previously in the "Accessory uses" section of the report staff is recommending that a "child care when conducted as an integral part of the use in the main building and where the parent(s) or guardian(s) of the children using such facility remain on-site" be moved to the Zoning Administrators section. This recommendation is being made to ensure that if a child care facility is established with a within a business/campus that it only serves those employees of the business/campus. Staff is also recommending that the following uses be deleted from the Zoning Administrator permitted uses section: "Dinner theater with less than one hundred seats and closed before midnight; Concert halls if less than one hundred seats and closed before midnight; Amusement parks; Performing arts theater with less than one hundred seats and closed before midnight; Commercial sports; Day care services for children or adults (i.e. nonresidential facilities only); Health clubs and spas; Motels and hotels, limited service; Dance studios and schools except for dance clubs and discotheques; Skating rink if closed before midnight and Offices of physicians, dentists and chiropractors." Staff is recommending that these assembly type uses be deleted for the same reason as the other assembly type uses are proposed to be deleted as outlined in the Conditional uses section 5) immediately above.

Conclusion: The purpose of the Restricted Industrial (I-R) District is the following: *"To provide areas devoted to research and development activities, such as product development, engineering, sales and administration, as well as light manufacturing and wholesale uses."* The purpose of the General Industrial (G-I) District is to *"To provide areas for general industrial, manufacturing, wholesale and other related service uses needed by the city and the region."* The modifications proposed by the Zoning Text Amendments meet the purposes of both the Restricted Industrial (I-R) and General Industrial (G-I) districts by regulating uses which may pose an adverse effect on the adjacent land uses due to the use of hazardous materials within the industrial areas.

- **General Plan Conformance:** The proposed zoning text amendments conform with the following policies of the Fremont General Plan and the City's Strategic Plan:
- General Plan Fundamental Goal 9: "A large diversified industrial and commercial base to meet the employment needs of the City's present and future workforce".
- General Plan Land Use Goal 1: Sufficient land to provide a diversified industrial base to meet the employment needs of the City's present and future workforce".
- General Plan Health and Safety Goal 6: "Minimum feasible risk to lives and property due to use, storage and transportation of hazardous materials and waste".
- General Plan health and safety Objective 6.1: "Sufficient regulation of land use to minimize potential health and safety risks associated with current or past hazardous materials in Fremont".
- Strategic Plan: Enduring Community Values and Core Services: "People value a feeling of safety and security within their community." Services supporting this value include: fire prevention and suppression; and hazardous materials management.

Environmental Analysis: This project is exempt fro CEQA review per Section 15061(b) (3), because the project has no potential for causing a significant effect on the environment.

Economic Development: The Office of Economic Development considers the protection of industrial properties to be an important priority. This is an emerging issue throughout our region and, as previously noted, has been addressed in a policy statement issued by the Silicon Valley Manufacturing Group. Industrial facilities are important to maintain quality jobs in a range of skill levels. In addition to employment opportunities, industrial uses often provide significant benefit as suppliers of goods to other businesses. The proposed zoning modifications would help maintain industrial areas and limit the potential future conflict between incompatible uses in the City's industrial areas.

Outreach: Staff held an informational meeting on February 14, 2005 to discuss the proposed ZTA with the individuals who have expressed interest on the findings of the study. Staff presented their proposed modifications to those in attendance and the general feeling from those in attendance was the no land uses should be removed. Those in attendance felt that assembly uses being deleted from the I-R and G-I district should just be placed as Conditional Uses and then each use would be reviewed on a case-by-case basis. As indicated previously in the report, staff does not feel that this is the proper approach due to the incompatibility of specific land uses (potential mixing with hazardous materials users) and the requirement to protect industrial land for its intended use. This approach would generally return the City to the pre-moratorium condition and staff believes that this would be a disservice to both future applicants and industrial businesses in the community.

Enclosures: Exhibit "A" (Zoning Text Amendment – Definitions, High Intensity Hazardous Materials Users and Miscellaneous Provisions relating to Religious Facilities)
Exhibit "B" (Zoning Text Amendment – Restricted Industrial (I-R) District)
Exhibit "C" (Zoning Text Amendment – General Industrial (G-I) District)

Informational: Silicon Valley Manufacturing Association Position Paper

Exhibits: Exhibit "A" (Zoning Text Amendment – Definitions, High Intensity Hazardous Materials Users and Miscellaneous Provisions relating to Religious Facilities)
Exhibit "B" (Zoning Text Amendment – Restricted Industrial (I-R) District)
Exhibit "C" (Zoning Text Amendment – General Industrial (G-I) District)

Recommended Actions:

1. Hold public hearing.
2. Recommend that the City Council find this project exempt from CEQA review per Section 15061(b) (3), because the project has no potential for causing a significant effect on the environment.
3. Recommend that the City Council find that PLN2004-00156 and PLN2004-00157 are in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Health & Safety Chapters as enumerated within the staff report.
4. Recommend that the City Council find the public necessity, convenience and general welfare require the adoption of Zoning Text Amendments PLN2004-00156 and PLN2004-00157 because they assist in preventing adverse impacts on sensitive populations within the City's industrial districts.
5. Recommend PLN2004-00156 and PLN2004-00157 to the City Council in conformance with Exhibit "A", Exhibit "B", and Exhibit "C" (Zoning Text Amendments).

**Exhibit “A” Zoning
Text Amendment – PLN2004-00156
Definitions, High Intensity Hazardous Materials Users
and Miscellaneous Uses Section Relating to Religious Facilities
Citywide**

Section 1:

Article 1 (Definitions) of Chapter 2 (Zoning), Title VIII (Planning and Zoning) of the Fremont Municipal Code is proposed to be amended to read as follows:

Article 1. DEFINITIONS

Sec. 8-2107.3.5. Assembly Use

An “Assembly use” shall mean a use where fifty (50) or more persons gather together for such purposes as deliberation, education, instruction, worship, entertainment, amusement, or similar purposes.

Sec. 8—2190.5.1.5. Sensitive Population

A “Sensitive Population” shall mean children under the age of 18 years old, adults with mental or physical disabilities, or adults over the age of 65 years, with particular emphasis on such children and adults who may have difficulty understanding and executing directions or orders, as well as such persons with mobility limitations, or increased sensitivity to hazardous materials.

Section 2:

Article 21.3. (Special Provisions Applying To Miscellaneous Uses) of Chapter 2, Title VIII (Planning and Zoning) of the Fremont Municipal Code is proposed to be amended to read as follows:

Article 21.3. Special Provisions Applying to Miscellaneous Uses

Sec. 8-22143.3. High intensity hazardous materials users.

(f) Table of permitted hazardous materials in specific Industrial Districts.

GROUP A CHEMICALS

- ~~e~~*l.* *Class 3 and 4 Oxidizers*
- ~~g~~*ll.* *Compressed Gases (Corrosive, Highly Toxic, Toxic, Pyrophoric, Unstable)*
- ~~h~~*lll.* *Cryogens (Highly Toxic, Toxic, Corrosive, Pyrophoric, Unstable)*
- ~~a~~*lV.* *Explosives and Blasting Agents*
- ~~f~~*V.* *Highly Toxic Materials*
- ~~i~~*VI.* *Organic Peroxides (Unclassified, Class I and Class II)*
- ~~e~~*VII.* *Pyrophoric Materials*
- ~~d~~*VIII.* *Radioactive Materials (Gamma Emitters)*
- ~~b~~*IX.* *Unstable/Reactives (Class 3 and 4)*
- ~~j~~*X.* *Water Reactive Materials (Class 3)*

Type of Facility	I-R Zoning District	G-I Zoning District
Bulk Plant	N	CUP
Bulk Distribution	CUP	CUP
Large User Site	ZAP	ZAP
Large Storage Plant	ZAP	ZAP
Medium User Site	P	P
Medium Storage Plant	P	P
Small User Site	P	P
Small Storage Plant	P	P
Very Small Storage or Use	P	P

PERMISSIBILITY:

P = permitted

CUP = Permitted only upon granting of a conditional use permit.

ZAP = Permitted only upon granting of a zoning administrator permit.

N = No, not permitted

GROUP B CHEMICALS

- ~~XIII.~~ Carcinogens
- ~~VII.~~ Compressed Gases (Flammable and Oxidizing)
- ~~III.~~ Corrosive Liquids and Solids
- ~~IV.~~ Cryogenics (Flammable and Oxidizing)
- ~~V.~~ Flammable Liquids
- ~~VI.~~ Flammable Solids
- ~~VII.~~ Organic Peroxide Materials (Class III, IV and V)
- ~~VIII.~~ Oxidizing Materials (Class 1 and 2)
- ~~IX.~~ Radioactive Materials (Alpha and Beta Emitters)
- ~~XIII.~~ Target Organ Toxins
- ~~XI.~~ Toxic Materials
- ~~XII.~~ Unstable/Reactive Materials (Class 1 and 2)
- ~~XIII.~~ Water Reactive Materials (Class 1 and 2)

GROUP B CHEMICALS

Type of Facility	I-R Zoning District	G-I Zoning District
Bulk Plant	CUP	ZAP
Bulk Distribution	ZAP	P
Large User Site	ZAP	P
Large Storage Plant	P	P
Medium User Site	P	P
Medium Storage Plant	P	P
Small User Site	P	P
Small Storage Plant	P	P
Very Small Storage or Use	P	P

GROUP C CHEMICALS

- I. Biohazardous Materials
- II. Combustible Liquids and Solids
- III. Compressed Gases (Inerts)
- IV. Cryogens (Inerts)
- V. Irritant Materials
- VI. Sensitizer Materials
- VII. Other Health Hazard Materials

Type of Facility	I-R Zoning District	G-I Zoning District
Bulk Plant	ZAP	P
Bulk Distribution	ZAP	P
Large User Site	P	P
Large Storage Plant	P	P
Medium User Site	P	P
Medium Storage Plant	P	P
Small User Site	P	P
Small Storage Plant	P	P
Very Small Storage or Use	P	P

For reference only:

- All of the Group A, B, & C Chemical types above and definitions below are included for reference only.

Definition of **hazardous materials** facilities.

- (1) Bulk plant (BP). **Hazardous materials** at the bulk plant level are manufactured, processed, blended or packaged, but are not used on-site. **Materials** are stored in large containers, railcars, tankers, drums, or cylinders. Bulk plant quantities are larger than the amount transported in or out in any single shipment.
- (2) Bulk distribution plant (BD). **Hazardous materials** at the bulk distribution plant level are collected, repackaged, blended or stored until they are transported to other facilities. **Materials** are transported to the site in unpackaged form and are transferred to storage containers by hose, pipeline or conveyor belt from railcars, tankers, large containers or drums. **Materials** are stored until transported out as finished products.
- (3) Large user site (LU). **Hazardous materials** at a large user site are used as part of on-site operations. **Materials** are stored and used in various sized containers. Container size will vary depending on the nature of the on-site operations. **Hazardous materials** are used in processes to obtain finished goods which are not **hazardous materials** which then may be used on-site or shipped out. On-site storage exceeds quantity range 5.
- (4) Large storage plant (LS). **Hazardous materials** at the storage plant level are stored until they are distributed to other facilities and exceed quantity range 5. **Materials** are warehoused in closed containers of up to six hundred sixty gallons in size. No transfer of **materials** from one container to another takes place on-site. Containers may be handled individually, palletized, or unitized for purposes of transportation. Packaging types may include cylinders, drums, boxes or portable tanks
- (5) Medium user site (MU). **Hazardous materials** at the user site are used as part of on-site operations. **Materials** are stored and used in various sized containers. On-site storage of **materials** exceeds quantity range 3 but does not exceed quantity range 5. Container size will vary depending on the nature of the on-site operations. **Hazardous materials** are used in processes to obtain finished goods which are not **hazardous materials** which then may be used on-site or shipped out.

- (6) *Medium storage plant (MS). **Hazardous materials** at the medium storage plant are stored until they are distributed to other facilities and exceeds quantity range 3 but does not exceed quantity range 5. **Materials** are warehoused in closed containers not exceeding fifty-five gallons, five hundred pounds, or two hundred cubic feet at STP (standard temperature and pressure) for compressed gases. No transfer of **materials** from one container to another takes place on site. Containers may be handled individually, palletized, or unitized for purposes of transportation. Packaging types may include cylinders, drums, boxes, or bottles.*
- (7) *Small user site (SU). **Hazardous materials** at a small user site are used for on-site operations. This is on-site use only and quantities involved do not exceed quantity range 3.*
- (8) *Small storage plant (SS). **Hazardous materials** at the small storage plant site are stored until they are distributed to other facilities and do not exceed quantity range 3. **Materials** are warehoused in closed containers not exceeding fifty gallons, one hundred pounds, or two hundred cubic feet at STP for compressed gases. No transfer of **materials** from one container to another takes place on-site. Containers may be handled individually, palletized, or unitized for purposes of transportation. Packaging types may include cylinders, drums, boxes, or bottles.*
- (9) Very Small Storage or Use (VS). Hazardous materials at the very small storage or use plant are stored until they are distributed to other facilities or used for on-site operations and do not exceed quantity range 1.

Section 3:

Article 21.3. (SPECIAL PROVISIONS APPLYING TO MISCELLANEOUS USES) of Chapter 2 (Zoning), Title VIII (Planning and Zoning) of the Fremont Municipal Code is proposed to be amended to read as follows:

Article 21.3. Special Provisions Applying to Miscellaneous Uses

Sec. 8-22145. Hospitals, religious facilities or eleemosynary institutions.

- (b) Religious facilities located within an industrial district shall comply with the building and site standards of the specific district in which the development is occurring.
- (1) Undeveloped sites: Such use shall be located on a minimum lot of **eight** acres and shall be of such a nature as to serve the needs of a regional or city-wide membership. The use of the site shall be limited to uses associated with the church activity, including the operation of a day care facility. However, private schools shall not be allowed.
- (2) Developed sites: Such uses may locate within an existing development regardless of the size of the development. Existing development shall be defined as development constructed prior to January 1, 1992.
- (3) Buildings to be occupied by, but not originally designed for a religious facility shall comply with all applicable provisions of the Fremont Municipal Code and with applicable laws and regulations of other appropriate public agencies.
- (4) ~~Residential dwelling unit(s) for a caretaker or other authorized person associated with the operation of the religious facility shall conform to the regulations set forth in Article 21.3 of this chapter.~~

Exhibit "B"
Zoning Text Amendment – PLN2004-00156
Restricted Industrial (I-R) District
Citywide

Language proposed to be added is underlined; language proposed to be removed is ~~struck~~, and language inserted for reference only is in double underline italic.

Section 1

Article 15. (I-R) Restricted Industrial District of Chapter 2 (Zoning), Title VIII (Planning and Zoning) of the Fremont Municipal Code is proposed to be amended to read as follows:

Article 15. I-R Restricted Industrial District

Sec. 8-21500. Purpose

To provide areas devoted to research and development activities, such as product development, engineering, sales and administration, as well as light manufacturing and wholesale uses. Within this district certain Group A, B, and C hazardous materials users, manufacturing, and/or the storage of particularly large sizes/quantities of hazardous materials (Section 8-22143.3 High intensity hazardous materials users), are regulated to minimize potential for off-site impacts. The I-R district is characterized by superior architectural and landscaping treatment and site planning.

Section 2:

Section 8-21501. (Permitted Uses), Article 15 (I-R Restricted Industrial District) of Chapter 2 (Zoning), Title VIII (Planning and Zoning) of the Fremont Municipal Code is proposed to be amended to read as follows:

Sec. 8-21501. Permitted uses.

- (~~ea~~) Administrative and executive offices¹;
- (~~ib~~) Caterers;²
- (~~jc~~) Construction estimation;
- (~~bd~~) Manufacturing as follows:
 - (~~21~~) Apparel and other finished products;²
 - (~~432~~) Assembly of bicycles from purchased parts;²
 - (~~493~~) Brooms and brushes;²
 - (~~114~~) Computer and office equipment;²
 - (~~45~~) Converted paper and paperboard products as follows:
 - ~~b. a.~~ Bags, except textile bags;²
 - ~~c. b.~~ Die-cut paper and paperboard and cardboard;²
 - ~~a. c.~~ Envelopes;²
 - d. Sanitary paper products;²
 - e. Stationery, tablets and related products;²
 - (~~176~~) Costume jewelry, custom novelties, buttons and miscellaneous notions;²
 - (~~7~~) Drugs;²
 - (~~128~~) Electrical and electronic machinery, equipment and supplies as follows:
 - a. Electric lighting and wiring equipment;²
 - ~~d. b.~~ Electrical machinery, equipment and supplies not elsewhere classified;²
 - c. Electronic components and accessories;²
 - ~~b. d.~~ Radio and television receiving equipment, except communication types;²
 - (~~49~~) Food and kindred products as follows:
 - ~~b. a.~~ Bakery products;²

- a. ~~b.~~ Blended and prepared flour;²
- c. Candy and other confectionery products;²
- d. Spices, powdered sugar and tea blending;²
- e. ~~Bottled and canned soft drinks and carbonated water;~~² (ZAP)
- (~~3~~10) Furniture and fixtures;²
- (~~4~~11) Glass products made of purchased glass;²
- (~~24~~12) Housings for business machines, sheet metal, except stamped;²
- (~~9~~13) Leather and leather products, except leather tanning and finishing;²
- (~~24~~14) Machine shops, jobbing and repair;²
- (~~22~~15) ~~Manufacturing industries not elsewhere classified, excluding book matches, candles and pelts;~~² (ZAP)
- (~~44~~15) Measuring, analyzing and controlling instruments; photographic, medical and optical goods; watches and clocks;²
- (~~8~~16) Miscellaneous plastic products made from purchased resins;²
- (~~45~~17) Musical instruments;²
- (~~5~~18) Paperboard containers and boxes;²
- (~~48~~19) Pens, pencils and other office and artists' materials, excluding lead pencils and crayons;²
- (~~62~~1) ~~Printing, publishing and allied industries;~~² (ZAP)
- (~~20~~20) Signs and advertising displays;²
- (~~46~~21) Toys and amusement, sporting and athletic goods;²
- (~~23~~) ~~Semiconductor manufacturing machinery;~~² (ZAP)

(~~h~~e) Retail catalog and mail-order houses with warehouse/distribution center and no retail outlet on site;

(~~d~~f) Service as follows:

- (1) Blueprint and photocopying services;² (without ammonia)
- (~~20~~2) Advertising agencies;²
- (~~3~~3) Cloth cutting, bolting or winding for textile distributors;²
- (~~4~~4) Commercial testing laboratories;²
- (~~5~~5) Computer and data processing services;²
- (~~6~~6) Direct-mail advertising services;²
- (~~7~~7) Folding and refolding service, textiles, shirts, etc.;²
- (~~47~~8) Furniture rental and leasing to commercial and industrial customers;
- (~~8~~9) Labeling bottles, cans, cartons, etc., for the trade;²
- (~~9~~10) Landscape architectural service accessory to a landscape contractor;²
- (~~10~~) ~~Landscape contractor;~~ (ZAP)
- (~~11~~) ~~Medical and dental laboratories;~~² (ZAP)
- (~~49~~11) Management services; management consulting services; public relations services; and facilities support management services except for adult correctional facilities and privately operated jails;²
- (~~46~~12) Motion picture distribution and allied services;²
- (~~13~~) ~~Photofinishing laboratories for the trade;~~² (ZAP)
- (~~45~~13) Motion picture production and allied services;²
- (~~42~~14) Packaging and labeling services;²
- (~~48~~15) Party supplies rental and leasing to commercial and industrial customers;
- (~~44~~16) Research and development;
- (~~21~~7) Security system services;²

(~~a~~g) Special trade contractors;²

(~~f~~h) The wholesale and retail sales of goods which are manufactured, processed or assembled (improved or developed to a higher use by machine or hand) on the premises, except slaughter ¹ and those goods related to the sales of firearms;^{1,2}

(e)i) Transportation services as follows:

- (1) ~~Refrigerated warehousing;~~² (ZAP)
- (~~5~~1) Arrangement of transportation of freight and cargo;²
- (~~4~~2) Freight forwarding;²
- (3) General warehousing and storage² except for the warehousing and storage of firearms^{1,2,3,4} or refrigerated goods (with ammonia);

- (24) Household goods warehousing and storage;²
- (65) Inspection and weighing services connected with transportation;²
- (76) Packing and crating;²

(g) Wholesale trade durable goods as follows:

(1) Wholesale trade durable goods as follows:

- da. Electrical goods;²
- db. Farm and garden machinery and equipment;²
- dc. Furniture and home furnishings;²
- ed. Hardware, and plumbing and heating equipment and supplies;²
- ee. Industrial machinery and equipment;²
- f. Industrial supplies;²
- eg. Miscellaneous durable goods² except scrap and waste materials;²
- eh. Motor vehicle supplies and new or used parts;²
- gi. Professional and commercial equipment and supplies;²
- hj. Service establishment equipment and supplies;²
- ik. Tires and tubes;²

(2) Wholesale trade nondurable goods as follows:

- ea. Apparel, piece goods and notions;²
- eb. Beer, wine and distilled alcoholic beverages;²
- ec. Books, periodicals, and newspapers;²
- ed. ~~Chemicals and allied products;~~² (ZAP)
- ee. Drugs, proprietaries, and sundries;²
- ef. Flowers and florist supplies;²
- eg. Groceries and related products² excluding live poultry or fresh meat or fish;
- eh. Lubricants in consumer containers;
- ei. Nondurable goods not elsewhere classified;²
- ej. ~~Paints, varnishes and supplies;~~² (ZAP)
- ek. Paper and paper products;²
- el. Tobacco and tobacco products;²

(k) Any other use which the zoning administrator finds, pursuant to the requirements set forth in Article 25.2 of this chapter, is similar in nature, function or operation to permitted uses allowed within this district.

For reference only: All the above land uses which are being deleted from the permitted uses section are proposed to be allowed under the Zoning Administrators Uses section.

Section 3

Section 8-21502 (Accessory uses), Article 15 (I-R Restricted Industrial District) of Chapter 2 (Zoning), Title VIII (Planning and Zoning) of the Fremont Municipal Code is proposed to be amended to read as follows:

Sec. 8-21502. Accessory uses.

The following uses are allowed when subordinate to or part of a principal use on the same lot and serving a use incidental to such principal use:

- (a) Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities;
- (b) Employee eating places, ~~child care facilities~~ (ZAP) and other incidental services for employees, when conducted within an integral part of a main building and no advertising, signs or any other display is visible from the exterior of the building;
- (c) Game or computing devices, not to exceed five;^{1,3}
- (d) Massage¹ in the following instances:

- (1) By a medical doctor, chiropractor or other individual licensed to practice any healing art under the California Business and Professions Code, Division 2, commencing with Section 500, when within the scope permitted by such provisions;
- (2) In a health club, as a service ancillary thereto, when provided by a massage technician with a valid permit under Title IV, Chapter 7 of this Code;
In no case shall advertising, signs or any other display relating to the availability of massage services be visible from the exterior of the building.
- (e) Mobile vending vehicle/cart, one;^{1,3}
- (f) Satellite dish antennas;
- (g) Signs.^{1,3}

Section 4

Section 8-21502.5 (Uses specifically prohibited), Article 15 (I-R Restricted Industrial District) of Chapter 2 (Zoning), Title VIII (Planning and Zoning) of the Fremont Municipal Code is proposed to be amended to read as follows:

Sec. 8-21502.5. Uses specifically prohibited.

- (a) Residential, except caretakers quarters;
- (b) Child care services, except as provided in Sec. 8-21503(e);
- (c) Amusement, recreational and educational services which serve sensitive populations.¹

Section 5:

Section 8-21503. (Zoning Administrative uses), Article 15 (Restricted Industrial District) of Chapter 2 (Zoning), Title VIII (Planning and Zoning) of the Fremont Municipal Code is proposed to be amended to read as follows:

Sec. 8-21503. Zoning administrator uses.

The following uses may be permitted with a zoning administrator permit, provided all other requirements of this chapter are met. The procedure for a zoning administrator permit shall be as outlined in Article 25.1 of this chapter:

- ~~(wa)~~ Agriculture¹ including roadside stands, in conjunction with an agricultural use, and agricultural nurseries, except the raising of animals or fowl for commercial purposes;
- ~~(pb)~~ Automotive sales, retail, when use is indoors and sales are by appointment or auction only;
- ~~(c)~~ Blueprint and photocopying services;² ~~(with ammonia)~~
- ~~(d)~~ Chemicals and allied products;^{2,3} ~~(In accordance with Section 8-22143.3 - High Intensity Hazardous Uses)~~
- ~~(e)~~ Childcare facilities when conducted as an integral part of the main building and where the parent(s) or guardian(s) of children using such facility remain on-site;
- ~~(kf)~~ Communication equipment;²
- ~~(ag)~~ Communications;²
- ~~(eh)~~ Electric services; combination electric, gas and other utility services and water supply;²
- ~~(li)~~ Electrical equipment for internal-combustion engines;²
- ~~(gj)~~ Fabricated metal products, except machinery and transportation equipment, as follows:
 - (41) Architectural and ornamental metalwork;²
 - (42) Cutlery, hand tools and general hardware;²
 - ~~(63)~~ Fabricated pipe and fabricated pipe fittings made from purchased pipe;²
 - ~~(34)~~ Metal doors, sashes, frames, molding and trim;²
 - (5) Metal springs and miscellaneous fabricated wire products made from purchased wire;²
 - ~~(26)~~ Plumbing fixtures;²
- ~~(tk)~~ Gasoline service stations,^{1,3} ~~subject to the provisions set forth in Article 21.3.~~
- ~~(kl)~~ Household appliances;²
- ~~(im)~~ Industrial controls;²
- ~~(mn)~~ Jewelry, silverware and plate ware;²
- ~~(o)~~ Landscape contractor

- (ep) Lumber and wood products as follows:
- (1) Millwork;²
 - (32) Wood containers;²
 - (23) Wood kitchen cabinets;²
 - (4) Wood products not elsewhere classified;²
- (aq) Manufacturing as follows:
- (1) Food and kindred products² as follows:
 - ia. Beverages;²
 - b. Bottled and canned soft drinks and carbonated water;²
 - fc. Cereal breakfast foods;²
 - ad. Dairy products;²
 - be. Dried and dehydrated fruits, vegetables and soup mixes;²
 - ef. Flour and other grain mill products;²
 - mg. Food preparations not elsewhere classified,² except vinegar;
 - eh. Frozen fruits, fruit juices and vegetables;²
 - ej. Frozen specialties;²
 - lj. Macaroni, spaghetti, vermicelli and noodles;²
 - k. Manufactured ice;²
 - hl. Prepared feeds and feed ingredients for animals and fowl not elsewhere classified;²
 - gm. Rice milling;²
 - jn. Roasted coffee;²
 - (r) Manufacturing industries not elsewhere classified, excluding book matches, candles and pelts;²
 - (s) Medical and dental laboratories;²
 - (t) Offices of physicians and dentists;²
 - (eu) Paints, varnishes, lacquers, enamels and allied products and supplies;²
 - (v) Photofinishing laboratories for the trade;²
 - (hw) Power-driven hand tools;²
 - (x) Printing, publishing and allied industries;²
 - ~~(s) Amusement and recreational services² except for dance clubs and discotheques;⁴ and skating rinks closed before midnight; (Delete)~~
 - (qy) Public or private auction yards;
 - ~~(f) Public stables;² (Delete)~~
 - ~~(u) Motels and hotels limited service;⁴ (Conditional Use Permit)~~
 - ~~(z) Refrigerated warehousing;²~~
 - ~~(v) Health clubs and spas;² (Conditional Use Permit)~~
 - ~~(faa) Rubber and plastic hose and belting;²~~
 - ~~(bb) Semiconductor manufacturing machinery;²~~
 - ~~(x) Concert hall⁴ with less than one hundred seats and closed before midnight; (Delete)~~
 - ~~(ecc) Soap, detergents and cleaning preparations, perfumes, cosmetics and other toilet preparations;²~~
 - ~~(bdd) Tobacco manufactures;²~~
 - ~~(zee) Training of pets and other animal specialties;⁵~~
 - ~~(aa) Performing arts theater 1 with less than one hundred seats and closed before midnight; (Delete)~~
 - ~~(yff) Veterinary services;⁵~~
 - ~~(bb) Dinner theater 1 with less than one hundred seats and closed before midnight; (Delete)~~
 - (egg) Any other use not otherwise listed in this article, which the zoning administrator finds is similar in nature, function and operation to zoning administrator uses within the district. The request for such a determination shall be submitted as a "finding application" to the zoning administrator pursuant to the requirements set forth in Article 25.2 of this chapter.

For reference only: All the above uses which are being deleted from the zoning administrators uses section are proposed to be placed under the Conditional Uses section.

Section 6

Section 8-21503.1. (Conditional uses: Planning Commission as reviewing agency), Article 15 (I-R Restricted Industrial District) of Chapter 2 (Zoning), Title VIII (Planning and Zoning) of the Fremont Municipal Code is proposed to be amended to read as follows:

Sec. 8-21503.1. Conditional uses: Planning commission as reviewing agency.

The following uses may be permitted with a conditional use permit, provided that all other requirements of this chapter are met. The procedure for a conditional use permit shall be as outlined in Article 25 of this chapter:

- (a) Amusement and recreational services² except for dance clubs and discotheques;⁴ and skating rinks; (The deleted items are specifically listed below as Conditional Uses)
- ~~(ab)~~ Banquet halls¹ on arterial streets;
- ~~(bc)~~ Concert halls;¹ with one hundred seats or more and/or open after midnight
- ~~(ed)~~ Dinner theaters;¹ with one hundred seats or more and/or open after midnight
- ~~(de)~~ Game or computing arcades;^{1,3}
- ~~(ef)~~ Exhibition or conference halls¹ on arterial streets;
- (g) Health clubs and spas;²
- ~~(fh)~~ Hotels, full-service;¹
- (i) Motels and hotels limited service;¹
- ~~(gj)~~ Performing arts theaters¹ with one hundred seats or more and/or open after midnight;
- ~~(k)~~ Public uses and quasi-public uses^{1,3} not including residential uses;
- ~~(hl)~~ Religious facilities^{1,3}
- ~~(im)~~ Short-term residency shelters, permanent^{1,3} and short-term residency shelters, temporary^{1,3} except in an (F-W) or (F) overlay district;
- ~~(jn)~~ Skating rinks¹ open after midnight;
- ~~(lo)~~ Warehouse¹ facilities for both retail and wholesale trade² when the use occupies at least fifty thousand square feet of floor area, except those uses set forth in this article as zoning administrator uses;
- ~~(mp)~~ When designated commercial/industrial overlay on the general plan, the following additional retail and amusement uses may be allowed where the use occupies at least fifty thousand square feet or is located in a shopping center with a total leasable area of at least one hundred fifty thousand square feet, the use is oriented to the regional market, convenient access from freeways is available, and the proposed use would be compatible with existing industrial uses and not impede future industrial development:
 - (1) Apparel and accessory stores;²
 - (2) Drug stores;²
 - (3) General merchandise stores;²
 - (4) Hardware stores;²
 - (5) Home furniture, furnishings and equipment stores;²
 - (6) Miscellaneous shopping goods stores;²
 - ~~(87)~~ Nightclubs¹, dance clubs and discotheques¹; provided, however, the combined number of nightclubs, dance clubs and discotheques in all industrial districts shall not exceed two. Notwithstanding the contrary requirements of this section, these uses shall not be required to occupy fifty thousand square feet or to be located in a shopping center with a total leasable area of one hundred fifty thousand square feet;
 - ~~(78)~~ Where accessory to or in conjunction with the above retail uses: motion picture theaters, except drive-in¹ or adult motion picture theaters,² and amusement parks;²
- ~~(pg)~~ Any other uses that the planning commission finds are similar in nature, function and operation to conditional uses in the district.

Section 7

Section 8-21504 (Zoning Administrator permitted uses requiring location in structure with minimum area of five thousand square feet.), Article 15 (I-R Restricted Industrial District) of Chapter 2 (Zoning), Title VIII (Planning and Zoning) of the Fremont Municipal Code is proposed to be amended to read as follows:

Sec. 8-21504. Zoning administrator permitted uses requiring location in structure with minimum area of five thousand square feet.

The following uses may be permitted with a zoning administrator use permit provided that all other requirements of this chapter are met and further provided that such uses are located in a structure of five thousand square feet or greater. The procedure for a zoning administrator permit shall be as outlined in Article 25.1 of this chapter:

- (ea) Caretaker quarters;¹
- (b) Finance, insurance and real estate as follows:
 - (51) Accident and health insurance medical service plans;²
 - (12) Banking;²
 - (3) Federal and state credit unions;²
 - (4) Industrial loan companies;²
 - (85) Lessors of railroad property;²
 - (6) Pension, health and welfare funds;²
 - (7) Real estate operators, agents and brokers of industrial buildings and property including managers of commercial and industrial property;¹
 - (28) Savings and loan associations;²
- (ac) Retail as follows: Eating places with no alcoholic beverages;¹ eating places with beer and wine;¹ eating places with all alcoholic beverages;¹ excluding drive-in and/or drive-through facilities;¹
- (ed) Services as follows:
 - (1) Aerial photographic services;²
 - ~~(2) Child day care services (i.e., nonresidential facilities only); (DELETE)~~
 - (142) Commercial photography;²
 - (133) Educational services², for adults only;
 - (34) Food preparation facility for off-site consumption;¹
 - (45) Food storage and distribution facility;¹
 - (56) Job training and vocational rehabilitation services², for adults only;
 - (67) Labor unions and similar labor organizations;²
 - (78) Landscape architectural service operating independently not accessory to a landscape contractor;
 - (89) Map drafting services;²
 - (910) Meal service facility;¹
 - (1011) Personnel supply service;²
 - (12) Offices of physicians and dentists;²
 - (1113) Photogrammetric mapping service;²
- (de) Warehouse facilities involving both wholesale and retail sales;³ restricted to large items such as household goods, mechanical equipment, tires and contractors' or construction equipment, provided that such uses are conducted within a completely enclosed building;
- (f) Any other use which the zoning administrator finds is similar in nature, function and operation to zoning administrator uses within the district. The request for such a determination shall be submitted as a "finding application" to the zoning administrator as per Article 25.2 of this chapter.

Section 8

Section 8-21505.5 (Applications for Assembly Type Uses), Article 15 (I-R Restricted Industrial District) of Chapter 2 (Zoning) Title VIII (Planning and Zoning) of the Fremont Municipal Code is proposed to be added to and amended to read as follows:

Section 8-21504.5.5 Applications for Assembly Type Uses

Applications for Assembly Uses¹ shall be accompanied by the following information in addition to the requirements outlined in Articles 25 and 25.5

1. The applicant shall provide a written description of the proposed operation of the use, including but not limited to, the total number of occupants anticipated; a statement as to whether or not any "sensitive populations" will be involved in any activities; the type of activities proposed both as a main use or as an accessory use.
2. The applicant shall submit written verification to the City, obtained through consultation with the City of Fremont Fire Department Hazardous Materials Division that at the time of application submittal, there are no incompatible hazardous occupancies (uses) located on, or immediately adjacent to, the subject site. If after consulting with the Hazardous Materials Division it is determined that the proposed location is on or immediately adjacent to an existing hazardous materials facility in excess of Range 1, with Group A chemicals, or in excess of Range 3 with Group B or C chemicals as outlined in Sec. 8-22143.3 High Intensity Hazardous materials use, then the applicant shall complete a thorough technical evaluation to determine if there are engineering or administrative controls available to mitigate the impacts of a hazardous materials release.
3. The applicant shall acknowledge that the City shall notify property owners and tenants within 1000 feet of the subject site of the application within 30 days of receiving a complete application, in order to obtain initial input on the proposal.
4. When an assembly use is located, or proposed to be located, in a multi-tenant building, an agreement that adequately provides for limitation of any subsequent hazardous material users on the same site shall be executed and recorded between the property owner, applicant and the city.
5. The applicant shall acknowledge through a written statement that they are locating within the industrial area and that higher levels of noise, traffic and exposure to hazardous materials can occur

Section 9

Section 8-21504.6 (Use of Hazardous Materials), Article 15 (I-R Restricted Industrial District) of Chapter 2 (Zoning) Title VIII (Planning and Zoning) of the Fremont Municipal Code is proposed to be added to and amended to read as follows:

All uses permitted within the I-R district shall comply with the regulations pertaining to hazardous materials contained in Section 8-22143.3 and Chapter 12 of the Fremont Municipal Code.

Exhibit "C"
Zoning text Amendment – PLN2004-00157
G-I General Industrial District
Citywide

Notes: Language proposed to be added is underlined; language proposed to be removed is ~~struck~~, and language inserted for reference only is in *double underline italic*.

Section 1:

Article 16. (G-I General Industrial District) of Chapter 2 (Zoning), Title VIII (Planning and Zoning) of the Fremont Municipal Code is proposed to be amended to read as follows:

Article 16. G-I General Industrial District

Sec. 8-21600. Purpose

To provide areas for general industrial, manufacturing, wholesale and other related service uses needed by the city and the region. Impacts associated with noise, odor, heavy traffic, and other hazards associated with certain hazardous materials may occur within the General Industrial Districts.

Section 2:

Section 8-21601. (Permitted uses), Article 16 (G-I General Industrial District) of Chapter 2 (Zoning), Title VIII (Planning and Zoning) of the Fremont Municipal Code is proposed to be amended to read as follows:

Sec. 8-21601. Permitted uses.

- (~~fa~~) Administrative and executive offices;¹
- (~~mb~~) Caterers;²
- (~~nc~~) Construction estimation;
- (~~ad~~) Construction;²
- (~~ee~~) Installation of vehicle stereo systems with retail sales of systems as accessory use;
- (~~f~~) Manufacturers representative for sale of electronic components;
- (~~bg~~) Manufacturing as follows:
 - (~~31~~) Apparel and other finished products;²
 - (~~462~~) Boat building and repairing;²
 - (~~63~~) Converted paper and paperboard products, excluding paper coating and glazing and pressed and molded pulp goods;²
 - (~~94~~) Drugs;²
 - (~~455~~) Electrical and electronic machinery, equipment and supplies;²
 - (~~436~~) Fabricated metal products as follows:
 - ea. Architectural and ornamental metalwork;²
 - b. Cutlery, hand tools and general hardware;²
 - c. Heating equipment, except electric and warm air; and plumbing fixtures;²
 - ad. Metal cans and shipping containers;²
 - de. Metal doors, sashes, frames, molding and trim;²

- hf. Miscellaneous fabricated metal products made from purchased metals;²
- fg. Miscellaneous metalwork;²
- gh. Screw machine products, and bolts, nuts, screws, rivets and washers;²
- (47) Food and kindred products as follows:
 - ba. Bakery products;²
 - ab. Blended and prepared flour;²
 - ec. Bottled and canned soft drinks and carbonated water;²
 - ed. Candy and other confectionery products;²
 - fe. Manufactured ice;²
 - ef. Spices, powdered sugar and tea blending;²
- (58) Furniture and fixtures;²
- (429) Glass products made of purchased glass;²
- (4410) Leather and leather products, except leather tanning and finishing;²
- (411) Lumber and wood products as follows:
 - a. Millwork;²
 - eb. Wood containers;²
 - bc. Wood kitchen cabinets;²
 - d. Wood products, excluding wood preserving and particle board;²
- (4812) Measuring, analyzing and controlling instruments; photographic, medical and optical goods; watches and clocks;²
- (4913) Miscellaneous machinery, except electrical;²
- (2014) Miscellaneous manufacturing industries, excluding lead pencils and crayons; linoleum, asphalted-felt-base and other hard-surface floor coverings; and book matches and candles;²
- (4715) Motorcycles, bicycles and parts;²
- (4416) Office, computing and accounting machines;²
- (717) Paperboard containers and boxes;²
- (818) Printing, publishing and allied industries;²
- (4019) Rubber and miscellaneous plastics made from purchased rubber, plastic or resins as follows:
 - ba. Fabricated rubber products not elsewhere classified;²
 - eb. Miscellaneous plastic products;²
 - ac. Rubber and plastic hose and belting;²
- (220) Textile mill products;²
- (ih) Motion picture production and allied services;²
- (ji) Motion picture distribution and allied services;²
- (ej) Recording studios;²
- (lk) Retail and wholesale sales of recreational vehicles, office only;
- (kl) Retail catalog and mail-order houses with warehouse/distribution center and no retail outlet on site;
- (em) Services:
 - (31) Automotive repair, services and parking, including retail tire sales with installation, except car washes¹ and motor vehicle wrecking yards;²
 - (2) Business services as follows:
 - ga. Armored car services;²
 - lb. Automobile recovery service;²
 - c. Blueprint and photocopying services;²
 - hd. Burglar alarm maintenance and monitoring;²
 - me. Cloth cutting, bolting or winding for textile distributors;²
 - kf. Commercial testing laboratories;²
 - eg. Computer and data processing services;²
 - bh. Direct-mail advertising services;²

- ~~fi.~~ Electronic engineering consulting firms;
 - ~~sj.~~ Energy consulting firms;
 - ~~xk.~~ Engineering services;²
 - ~~il.~~ Equipment rental and leasing services;²
 - ~~am.~~ Folding and refolding service, textiles, shirts, etc.;²
 - ~~tn.~~ Graphic design firms, involving production of graphic-ready art;
 - ~~o.~~ Labeling bottles, cans, cartons, etc., for the trade;²
 - ~~yp.~~ Management services; management consulting services; public relations services; and facilities support management services except for adult correctional facilities and privately operated jails;²
 - ~~ag.~~ Outdoor advertising services, except on site;²
 - ~~pr.~~ Packaging and labeling service;²
 - ~~js.~~ Photofinishing laboratories for the trade;²
 - ~~ft.~~ Research and development laboratories;²
 - ~~vu.~~ Research photography;
 - ~~wv.~~ Sales and service of home, commercial and industrial scales;
 - ~~dw.~~ Services to dwellings and other buildings;²
 - ~~qx.~~ Swimming pool cleaning and maintenance;²
 - ~~uy.~~ Truckers placement service;
- (~~53~~) Medical and dental laboratories;²
- (4) Miscellaneous repair services;²
- (~~45~~) Personal services as follows:
 - ~~ea.~~ Carpet and upholstery cleaning;²
 - ~~ab.~~ Commercial power laundries;²
 - ~~c.~~ Diaper services;²
 - ~~d.~~ Dry cleaning plants;²
 - ~~fe.~~ Industrial launderers;²
 - ~~bf.~~ Linen supply;²
- (~~hn~~) The following uses may be permitted provided that all other requirements of this chapter are met and further provided that such uses are located in a structure of five thousand square feet or greater:
 - (1) Commercial photography;²
 - (2) Map drafting service;²
 - (3) Photogrammetric mapping service;²
- (~~go~~) The wholesale and retail sales of goods which are manufactured, processed or assembled (improved or developed to a higher use by machine or hand) on the premises, except slaughter¹ and those goods related to the sales of firearms;^{1,2}
- (p) Training of pets and other animal specialties;²
- (~~eq~~) Transportation; communications; electric, gas and sanitary services as follows:
 - (~~51~~) Communications;²
 - (~~62~~) Corporation yards;¹
 - (~~23~~) Local and suburban transit and interurban highway passenger transportation;²
 - (~~34~~) Motor freight transportation and warehousing, ² except warehousing and storage of firearms;^{1,2,3,4}
 - (~~45~~) Railroad transportation, excluding switching and terminal establishments;²
 - (~~46~~) Transportation services, excluding arrangements of passenger transportation and services incidental to transportation not elsewhere classified;²
- (~~dr~~) Wholesale trade ² except those listed as conditional uses;
- (s) Any other use which the zoning administrator finds, pursuant to the requirements set forth in Article 25.2 of this chapter, is similar in nature, function and operation to zoning administrator uses within this district.

Section 3

Section 8-21602. (Permitted uses), Article 16 (G-I General Industrial District) of Chapter 2 (Zoning), Title VIII (Planning and Zoning) of the Fremont Municipal Code is proposed to be amended to read as follows

Sec. 8-21602. Accessory uses.

The following uses are allowed when subordinate to or part of a principal use on the same lot and serving a use incidental to such principal use:

- (a) Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities;
- (b) Employee eating places, ~~child care facilities~~ (ZAP) and other incidental services for employees, when conducted within an integral part of a main building and no advertising, signs or any other display is visible from the exterior of the building;
- (c) Game or computing devices, not to exceed five;^{1, 3}
- (d) Massage¹ in the following instances:
 - (1) By a medical doctor, chiropractor or other individual licensed to practice any healing art under the California Business and Professions Code, Division 2, commencing with Section 500, when within the scope permitted by such provisions;
 - (2) In a health club, as a service ancillary thereto, when provided by a massage technician with a valid permit under Title IV, Chapter 7 of this Code;

In no case shall advertising, signs or any other display relating to the availability of massage services be visible from the exterior of the building;

- (e) Mobile vending vehicle/cart, one;^{1, 3}
- (f) Satellite dish antennas;
- (g) Signs.^{1, 3}

Section 4:

Section 8-21602.5 (Uses specifically prohibited), Article 16 (G-I General Industrial District) of Chapter 2 (Zoning), Title VIII Planning and Zoning) of the Fremont Municipal Code is proposed to be amended to read as follows:

Sec. 8-21602.5. Uses specifically prohibited.

- (a) Residential, except caretakers quarters¹
- (b) Assembly Uses¹
- (c) Amusement, recreational and educational services which serve sensitive populations¹
- (d) Day care services for children, except child care facilities as set forth in Section 8-21604(d)

Section 5:

Section 8-21603 (Conditional uses: Planning commission as reviewing agency), Article 16 (G-I General Industrial District) of Chapter 2 (Zoning), Title VIII Planning and Zoning) of the Fremont Municipal Code is proposed to be amended to read as follows:

Sec. 8-21603. Conditional uses: Planning commission as reviewing agency.⁴

The following uses may be permitted with a conditional use permit, provided all other requirements of this chapter are met. The procedure for a conditional use permit shall be as outlined in Article 25 of this chapter:

~~Amusement and recreational services as follows: Delete~~

- ~~(1) Banquet halls⁴ located on arterial streets. Delete~~
- ~~(2) Concert halls⁴ with one hundred seats or more and/or open after midnight. Delete~~
- ~~(3) Dinner theaters⁴ with one hundred seats or more and/or open after midnight. Delete~~
- ~~(4) Exhibition or conference halls⁴ located on arterial streets. Delete~~
- ~~(5) Game or computing arcades.^{4,3} Delete~~
- (a) Hotels, full service;¹
- (b) Manufacturing² as follows:
 - (1) Beet sugar;²
 - ~~(182) Steel works, blast furnaces, Blast furnaces, steelworks and rolling and finishing mills;²~~
 - ~~(23) Cane sugar refining;²~~
 - ~~(34) Canned fruits, vegetables, preserves, jams and jellies;²~~
 - ~~(5) Chemicals and allied products,² except drugs~~
 - ~~(406) Cement, hydraulic;²~~
 - ~~(447) Concrete, gypsum and plaster products;²~~
 - ~~(68) Foundries, iron and steel;²~~
 - ~~(39) Foundries, nonferrous (castings);²~~
 - (10) Logging;²
 - (11) Metal products, miscellaneous primary;²
 - (12) Petroleum refining and related industries;²
 - (13) Pulp mills², paper mills² and paperboard mills;²
 - (14) Iron ore, recovery of, from open hearth slag;²
 - (15) Sawmills and planing mills, general;²
 - (16) Slaughter;¹
 - (17) Smelting and refining of nonferrous metals, secondary;²
- (c) Motor vehicle wrecking yards;
- (d) Public and quasi-public uses,¹ including golf courses,^{2,3} ~~not including residential uses.~~
- ~~(f) Religious facilities.^{4,3} Delete~~
- (e) Residency shelters, ~~short-term, permanent^{4,3} and~~ short-term residency shelters, temporary,^{1,3} except in an (F-W) or (F) overlay district. (Partial Delete)
- (f) Transportation by air;²
- (g) Warehouse facilities with retail and wholesale trade^{1,3} when the use occupies at least fifty thousand square feet of floor area;
- (h) Wholesale trade in scrap and waste materials;²
- (ii) When designated commercial/industrial overlay on the general plan, the following additional retail and amusement uses may be allowed where the use occupies at least fifty thousand square feet or is located in a shopping center with a total leasable area of at least one hundred fifty thousand square feet, the use is oriented to the regional market, convenient access from freeways is available, and the proposed use would be compatible with existing industrial uses and not impede future industrial development:
 - (1) Apparel and accessory stores;²
 - (2) Drug stores;²
 - (3) General merchandise stores;²
 - (4) Hardware stores;²
 - (5) Home furniture, furnishings and equipment stores;²
 - (6) Miscellaneous shopping goods stores;²
 - (7) Where accessory to or in conjunction with the above retail uses: motion picture theaters, except drive-in¹ or adult motion picture theaters;²
 - (8) Nightclubs¹, dance clubs¹, or discotheques¹; provided, however, the combined number of nightclubs, dance clubs, and discotheques in all industrial districts shall not exceed two. Notwithstanding contrary requirements of this section, the use shall not be required to occupy at least fifty thousand square feet,

and the use shall not be required to be located in a shopping center with a total leasable area of at least on hundred fifty thousand square feet.

~~(lk) Performing arts theaters¹ with one hundred seats or more and/or open after midnight. Delete~~

~~(l) Skating rinks open after midnight. Delete~~

(mj) Any other uses that the planning commission finds are similar in nature, function and operation to conditional uses in the district;

Section 6:

Section 8-21604 (Zoning administrative uses), Article 16 (G-I General Industrial District) of Chapter 2 (Zoning), Title VIII (Planning and Zoning) of the Fremont Municipal Code is proposed to be amended to read as follows:

Sec. 8-21604. Zoning administrator permitted uses.

The following uses may be permitted with a zoning administrator permit, provided all other requirements of this chapter are met. The procedure for a zoning administrator permit shall be as outlined in Article 25.1 of this chapter:

~~(ia) Amusement and recreation services.² Delete~~

(aa) Agriculture,¹ including agricultural use;

(b) Car Washes¹

~~(mc)~~ Caretaker quarters;¹

(d) Child care when conducted as an integral part of the use in the main building and where the parent(s) or guardian(s) of children using such facility remain on-site;

~~(be)~~ Electric, gas and sanitary services;²

(ff) Food preparation facility for off-site consumption;¹

~~(gg)~~ Food storage and distribution facility;¹

~~(ah)~~ Manufacturing as follows:

~~(61)~~ Building paper and building board mills;²

~~(72)~~ Chemicals and allied products,² except drugs; (CUP)

~~(432)~~ Coating, engraving and allied services;²

~~(443)~~ Fabricated structural metal products,² except those uses set forth in section 8-21601 of this article;

~~(44)~~ Food and kindred products,² except those uses set forth in this article as permitted uses or conditional uses subject to planning commission approval of a conditional use permit;

~~(95)~~ Leather tanning and finishing;²

~~(36)~~ Lumber and wood products,² except those uses set forth in this article as permitted uses or conditional uses subject to planning commission approval of a conditional use permit;

~~(467)~~ Machinery, except electrical, excluding office, computing and accounting machines;²

~~(428)~~ Metal forgings and stampings;²

~~(459)~~ Miscellaneous fabricated metal products not made from purchased metals;²

~~(4410)~~ Ordinances and accessories, except vehicles and guided missiles;²

~~(411)~~ Paper coating and glazing;²

~~(512)~~ Pressed and molded pulp goods;²

~~(813)~~ Rubber and miscellaneous plastic products,² except those uses set forth in this article as permitted;

~~(4014)~~ Stone, clay, glass and concrete products,² except those uses set forth in sections 8-21601 and 8-21603 of this article;

~~(4715)~~ Storage and primary batteries, dry and wet;²

~~(216)~~ Tobacco manufacturers;²

~~(4817)~~ Transportation equipment, except boat building and repairing;²

(i) Meal service facility;¹

~~(dj)~~ Public or private auction yards;

~~(ek)~~ Recycling facility;¹

~~(jl)~~ Retail trade as follows:

~~(91)~~ Automotive sales, retail when use is indoors and sales by appointment or auction only;

~~(42)~~ Boat dealers;²

~~(83)~~ Convenience food store, when immediately associated with gasoline service station;

~~(10)~~ Dinner theater¹ with less than one hundred seats and closed before midnight. Delete

- (24) Gasoline service stations; ^{1,2,3,4}
- (35) Lumber and other building material dealers; ²
- (46) Mobile home dealers; ²
- (57) Recreational vehicle and utility trailer dealers; ²
- (68) Truck and tractor dealers; ²
- (79) Truck stops designed to be used exclusively by truckers; ²
- (em) Roadside stands, ¹ in conjunction with an agricultural use;
- (k) ~~Services as follows:~~
 - (1) ~~Concert hall¹ if less than one hundred seats and closed before midnight; Delete~~
 - (2) ~~Amusement parks;² Delete~~
 - (3) ~~Performing arts theater ¹ with less than one hundred seats and closed before midnight; Delete~~
 - (4) ~~Car washes;^{1,2} Delete~~
 - (5) ~~Commercial sports;² Delete~~
 - (6) ~~Day care services for children ^{1,2,3} or adults (i.e. nonresidential facilities only); Delete~~
 - (7) ~~Health clubs and spas;² Delete~~
 - (8) ~~Motels and hotels, limited service;⁴ Delete~~
 - (9) ~~Dance studios and schools except for dance clubs and discotheques;⁵ Delete~~
 - (10) ~~Skating rink if closed before midnight. Delete~~
- (ln) The following uses may be located in a structure of five thousand square feet or greater:
 - (1) Automotive sound equipment involving retail sales, service and installation;²
 - (2) Eating places with no alcoholic beverages;¹ eating places with beer and wine;¹ eating places with all alcoholic beverages;¹ excluding drive-in and/or drive-through facilities;¹
 - (3) Educational services, for adults only
 - (4) Finance, insurance and real estate as follows:
 - a. Accident and health insurance and medical service plans;²
 - b. Commercial banking;²
 - c. Federal and state credit unions;²
 - d. Industrial loan companies;
 - e. Lessors of railroad property;
 - f. Pension, health and welfare funds;²
 - g. Real estate operators, agents and brokers of industrial buildings and property; including managers of commercial and industrial property;²
 - h. Renovation of industrial buildings;
 - i. Savings and loan associations;²
 - (5) Job training and vocational rehabilitation services² for adults only
 - (6) Labor unions and similar labor organizations;²
 - (7) ~~Offices of physicians, dentists, and chiropractors;² Delete~~
 - (87) Personnel supply services;²
 - (98) Veterinary services, including hospitals;²
 - (109) Warehouse facilities with retail and wholesale trade ³ with a maximum floor area of less than one hundred thousand square feet; restricted to large items such as household goods, mechanical equipment, tires, and contractor's or construction equipment, provided that such uses are conducted within a completely enclosed building;
- (eo) Wholesale trade as follows:
 - (31) Chemicals and allied products, including agricultural chemicals;²
 - (42) Live poultry;¹
 - (23) Livestock, including horses and mules;²
 - (4) Petroleum and petroleum products,² packaged in consumer containers;
- (pp) Any other use which the zoning administrator finds is similar in nature, function and operation to other zoning administrator uses within the district. The request for such a determination shall be submitted as a "finding application" to the zoning administrator pursuant to the requirements set forth in Article 25.2 of this chapter.

Section 7:

Section 8-21604.5. (Use of hazardous Materials), Article 16 (G-I General Industrial District) of Chapter 2 (Zoning) Title VIII (Planning and Zoning) of the Fremont Municipal Code is proposed to be added to and amended to read as follows:

Section 8-21604.5. Use of Hazardous Materials

All uses permitted within the G-I district shall comply with the regulations pertaining to hazardous materials contained in Section 8-22143.3 and Chapter 12 of the Fremont Municipal Code.